

§ 60-999.1

Affirmative action requirements refers to affirmative action requirements required by DOL pursuant to section 503 of the Rehabilitation Act of 1973, that go beyond the nondiscrimination requirements imposed by the ADA.

Chairman of the EEOC refers to the Chairman of the U.S. Equal Employment Opportunity Commission, or his or her designee.

Complaint/Charge means a section 503 complaint/ADA charge. The terms are used interchangeably.

Director of the Office of Federal Contract Compliance Programs refers to that individual or his or her designee.

DOL means the U.S. Department of Labor, and where appropriate, any of its headquarters or regional offices.

EEOC means the U.S. Equal Employment Opportunity Commission, and where appropriate, any of its headquarters, district, area, local, or field offices.

Government means the government of the United States of America.

Priority List refers to a document listing a limited number of controversial topics under the ADA on which there is not yet definitive guidance setting forth EEOC's position. The Priority List will be jointly developed and periodically reviewed by EEOC and DOL. Any policy documents involving Priority List issues will be coordinated between DOL and EEOC pursuant to Executive Order 12067 (3 CFR, 1978 Comp., p. 206) prior to final approval by EEOC.

OFCCP means the Office of Federal Contract Compliance Programs, and where appropriate, any of its regional or district offices.

Section 503 refers to section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793).

Section 503 complaint/ADA charge refers to a complaint that has been filed

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with OFCCP under section 503 of the Rehabilitation Act, and has been deemed to be simultaneously dual filed with EEOC under the ADA.

PART 60-999—OMB CONTROL NUMBERS FOR OFCCP INFORMATION COLLECTION REQUIREMENTS

Sec.

60-999.1 Purpose.

60-999.2 Display.

AUTHORITY: 44 U.S.C. Ch. 35.

SOURCE: 61 FR 43467, Aug. 23, 1996, unless otherwise noted.

§ 60-999.1 Purpose.

This part displays control numbers assigned to information collection requirements of the Office of Federal Contract Compliance Programs by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. Ch. 35. This part fulfills the PRA requirement that agencies display a current control number for each agency information collection requirement approved by OMB (44 U.S.C. 3507).

§ 60-999.2 Display.

41 CFR Part where the information collection requirement is located	Current OMB control number
Part 60-1	1215-0072, 1215-0131, 1215-0163.
Part 60-2	1215-0072.
Part 60-3	3046-0017.
Part 60-4	1215-0163.
Part 60-20	1215-0072, 1215-0163.
Part 60-30	1215-0072, 1215-0163.
Part 60-40	1215-0072, 1215-0163.
Part 60-50	1215-0072, 1215-0163.
Part 60-60	1215-0072.
Part 60-250	1215-0072, 1215-0131, 1215-0163.
Part 60-741	1215-0072, 1215-0131, 1215-0163.

CHAPTER 61—OFFICE OF THE
ASSISTANT SECRETARY FOR VETERANS'
EMPLOYMENT AND TRAINING,
DEPARTMENT OF LABOR

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PART 61-250—ANNUAL REPORT FROM FEDERAL CONTRACTORS

Sec.

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AUTHORITY: 38 U.S.C. 2012(d).

SOURCE: 52 FR 6677, Mar. 4, 1987, unless otherwise noted.

§61-250.1 Purpose and scope.

(a) This Part 61-250 implements 38 U.S.C. 2012(d). Each contractor or subcontractor who enters into a contract in the amount of \$10,000 or more with any department or agency of the United States for the procurement of personal property and non-personal services (including construction) to whom 38 U.S.C. 2012(a) and 41 CFR Part 60-250 apply, shall submit a report according to requirements of §61-250.10 of this part.

(b) Except as noted in §61-250.10 of this part, this part does not revise or replace the regulations in force at 41 CFR 60-250 which apply to veterans' affirmative action obligations of contractors and subcontractors administered by the Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, Department of Labor.

(c) Veterans' reporting requirements of this part will be deemed waived in those instances where the Director, OFCCP has granted a waiver under 41 CFR 60-250.3(a)(5), or concurred in granting a waiver under 41 CFR 60-250.3(b), from compliance with all of the terms of the affirmative action clause for those establishments not involved in government contract work. Where OFCCP grants only a partial waiver, compliance with veterans' reporting will be required.

§61-250.2 Definitions.

(a) For purposes of this part, and unless otherwise indicated in paragraph (b) of this section, the terms set forth in this part shall have the same meaning as set forth in 41 CFR Part 60-250.

(b) For purposes of this part:

(1) *Hiring location* (identical to *establishment* as defined by the instructions for completing Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1) means an economic unit which produces goods or services, such as a factory, office, store, or mine. In most instances the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity (definition adapted from the 1972 Standard Industrial Classification Manual). Units at different physical locations, even though engaged in the same kind of business operation should be reported as separate establishments. For locations involving construction, transportation, communications, electric, gas, and sanitary services, oil and gas fields, and similar types of physically dispersed industrial activities, however, it is not necessary to list separately each individual site, project, field, line, etc., unless it is treated by the contractor as a separate legal entity with a separate Employer Identification Number. For these types of activities, list as establishments only those relatively permanent main or branch offices, terminals, stations, etc., which are either (a) directly responsible for supervising such dispersed activities, or (b) the base from which personnel and equipment operate to carry out these activities. (Where these dispersed activities cross State lines, at least one such *establishment* should be listed for each State involved.)

(2) *Employee* means any individual on the payroll of an employer who is an employee for purposes of the employer's withholding of Social Security taxes except insurance salesmen who are considered to be employees for such purposes solely because of the provisions of section 3121(d)(3)(B) of the Internal Revenue Code. The term *employee* shall not include persons who are hired on a casual basis for a specified time, or for the duration of a specified job, and work on remote or scattered sites or locations where it is not practical or feasible for the employer to make a visual survey of the work force within the report period; for example, persons at a construction site

whose employment relationship is expected to terminate with the end of the employee's work at the site; persons temporarily employed in any industry other than construction, such as mariners, stevedores, waiters/waitresses, movie extras, agricultural laborers, lumber yard workers, etc., who are obtained through a hiring hall or other referral arrangement, through an employee contractor or agent, or by some individual hiring arrangement; or persons on the payroll of a temporary service agency who are referred by such agency for work to be performed on the premises of another employer under that employer's direction and control.

(3) *Job category* means any of the following: Officials and managers, professionals, technicians, sales workers, office and clerical, craft workers (skilled), operatives (semi-skilled), laborers (unskilled), service workers, as required by Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1, as defined below:

(i) *Officials and managers* means occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. Includes: Officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains and mates (except fishing boats), farm operators and managers, and kindred workers.

(ii) *Professional* means occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: Accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physical scientists, physicians, social scientists, surveyors, teachers, and kindred workers.

(iii) *Technicians* means occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: Computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science), and kindred workers.

(iv) *Sales* means occupations engaging wholly or primarily in direct selling. Includes: Advertising agents and salesworkers, insurance agents and brokers, real estate agents and brokers, stock and bond salesworkers, demonstrators, salesworkers and sales clerks, grocery clerks and cashier-checkers and kindred workers.

(v) *Office and clerical* includes all clerical-type work regardless of level of difficulty, where the activities are predominantly nonmanual though some manual work not directly involved with altering or transporting the products is included. Includes bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

(vi) *Craft Workers (skilled)* means manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Included are: The building trades, hourly paid supervisors and lead operators who are not members of management, mechanics and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors, arts occupations, handpainters, coaters, decorative and kindred workers.

(vii) *Operatives (semiskilled)* means workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes: Apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metalworking trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dressmakers and sewers (except factory), dryers, furnace workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operatives and laborers, motor operators, oilers and greasers (except auto), painter (except construction and maintenance), photographic process workers, stationary firefighters, truck and tractor drivers, weavers (textile), welders and flamecutters, electrical and electronic equipment assemblers, butchers and meatcutters, inspectors, testers and graders, handpackers and packagers, and kindred workers.

(viii) *Laborers (unskilled)* means workers in manual occupations which generally require no special training to perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

(ix) *Service Workers* means workers in both protective and non-protective service occupations. Includes: Attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, charworkers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, servers, amusement and recreation facilities attendants, guides, ushers, public transportation attendants and kindred workers.

(4) *Special disabled veteran* means—

(i) A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans Administration for a disability

(A) Rated at 30 percent or more, or

(B) Rated at 10 or 20 percent in the case of a veteran who has been determined under section 1506 of Title 38, U.S.C., to have a serious employment handicap; or

(ii) A person who was discharged or released from active duty because of service-connected disability.

(5) *Veteran of the Vietnam era* means a veteran, any part of whose active military, naval or air service was during the period August 5, 1964, through May 7, 1975, who—

(i) Served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or

(ii) Was discharged or released from active duty because of a service-connected disability. No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

(6) *OFCCP* means the Office of Federal Contract Compliance Programs in the Employment Standards Administration of the U.S. Department of Labor.

(7) *OASVET* means the Office of the Assistant Secretary for Veterans' Employment and Training, U.S. Department of Labor.

[52 FR 6677, Mar. 4, 1987; 52 FR 13674, Apr. 24, 1987]

§61-250.10 Reporting requirements contract clause.

Each contractor or subcontractor described in §61-250.1 of this part shall submit reports in accordance with the following reporting clause which shall be included in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract). Such clause is considered as an addition to the affirmative action clause required by 41 CFR 60-250.4, the provisions of which continue in force until otherwise revised or amended by the OFCCP. The reporting requirements clause is as follows:

Veterans' Employment and Training

§ 61-250.11

EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA

(a) The contractor agrees to report at least annually, as required by the Secretary of Labor, on:

(1) The number of special disabled veterans and the number of veterans of the Vietnam era in the workforce of the contractor by job category and hiring location; and

(2) The total number of new employees hired during the period covered by the report, and of that total, the number of special disabled veterans, and the number of veterans of the Vietnam era.

(b) The above items shall be reported by completing the form entitled "Federal Contractor Veterans' Employment Report VETS-100."

(c) Reports shall be submitted no later than March 31 of each year beginning March 31, 1988.

(d) The employment activity report required by paragraph (a)(2) of this section shall reflect total hires during the most recent 12-month period as of the ending date selected for the employment profile report required by paragraph (a)(1) of this section. Contractors may select an ending date: (1) As of the end of any pay period during the period January through March 1st of the year the report is due, or (2) as of December 31, if the contractor has previous written approval from the Equal Employment Oppor-

tunity Commission to do so for purposes of submitting the Employer Information Report EEO-1 (Standard Form 100).

(e) The count of veterans reported according to paragraph (a) above shall be based on voluntary disclosure. Each contractor subject to the reporting requirements at 38 U.S.C. 2012(d) shall invite all special disabled veterans and veterans of the Vietnam era who wish to benefit under the affirmative action program at 38 U.S.C. 2012 to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that the information will be kept confidential, that disclosure or refusal to provide the information will not subject the applicant or employee to any adverse treatment, and that the information will be used only in accordance with the regulations promulgated under 38 U.S.C. 2012. Nothing in this paragraph (e) shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this paragraph (e) shall relieve a contractor from liability for discrimination under 38 U.S.C. 2012.

§ 61-250.11 Reporting format.

(a) Data items required in paragraph (a) of the contract clause set forth in § 61-250.10 are to be reported for each hiring location in the format (VETS-100) as set forth below:

Name of Parent Company				
Address (Number and Street) :	City :	County :	State :	Zip Code :
<hr/>				
Name of Hiring Location				
Address (Number and Street) :	City :	County :	State :	Zip Code :
<hr/>				

Information on Veterans

Report all permanent full-time or part-time employees and new hires who are veterans as defined on reverse. Also report total new hires. Blank spaces will be considered as zeros. Entries in Columns N through P, Lines 14 through 22, and Columns L and M, Line 23 are optional.

JOB CATEGORIES	NUMBER OF EMPLOYEES			NUMBER OF NEW HIRES (PREVIOUS 12 MONTHS)		
	SPECIAL DISABLED VETERANS L	VIETNAM ERA VETERANS M	SPECIAL DISABLED VETERANS N	VIETNAM ERA VETERANS O	TOTAL, BOTH VETERANS AND NON-VETERANS P	
Officials and Managers 14						
Professionals 15						
Technicians 16						
Sales Workers 17						
Office and Clerical 18						
Craft Workers (Skilled) 19						
Operatives (Semi-Skilled) 20						
Laborers (Unskilled) 21						
Service Workers 22						
TOTAL 23						

FEDERAL CONTRACTOR VETERANS' EMPLOYMENT REPORT VETS-100

This supplemental report is to be completed by all nonexempt contractors and subcontractors with contracts (or subcontracts) for the furnishing of supplies and services or the use of real or personal property (including construction) for \$10,000 or more. The report is to be completed for each "hiring location". Reports must be completed for establishments located in Hawaii.

All multi-establishment employers, i.e., those doing business at more than one hiring location, must file (1) a report covering the principal or headquarters office (2) a separate report for each hiring location employing 50 or more persons; and (3) either, (i) a separate report for each hiring location employing fewer than 50 persons, or (ii) consolidated reports, by State, covering the hiring locations within the State having fewer than 50 employees. Each consolidated report must also list the name and address of the hiring locations covered by the report.

HOW TO PREPARE FORM

COMPANY IDENTIFICATION

Parent Company. Please provide company name, receiving office, address and employer identification number of the headquarters office of multi-hiring location company which owns the hiring location for which this report is filed.

Hiring Location For which This Report Is Filed. Please provide the name, address and employer identification number of each company's hiring location for which this report is filed.

INFORMATION ON VETERANS

Employment data must include all permanent full-time and part-time employees who were employed during the selected payroll period; except those employees specifically excluded as indicated at 41 CFR 61-250.2(b)(2). Employees must be counted by veteran status for each of the nine occupational categories (columns L and M). Entries in column L and M on line 23 are optional.

New Hires Data: Report on line 23, columns N through P, the total number of permanent full-time and part-time employees by veteran status (columns N and O) and total employees (column P) who were included in the payroll for the first time during the 12-month period ending either as of the end of the selected payroll period between January and March 1, or December 31, if approved. Entries in columns N through P, lines 14 through 22, are optional.

DEFINITIONS

Hiring location means an establishment as defined at 41 CFR 61-250.2(b).

Special Disabled Veteran means (A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Veterans Administration for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under Section 1506 of Title 38, U.S.C., to have a serious employment handicap or (B) a person who was discharged or released from active duty because of a service-connected disability.

Veteran of the Vietnam era means a veteran, any part of whose active military, naval or air service was during the period August 5, 1964, through May 7, 1975, who— (i) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty because of a service connected disability. No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1991.

LEGAL BASIS FOR REPORTING REQUIREMENTS

Title 38, United States Code, Section 2012(d), requires that Federal contractors report at least annually the numbers of special disabled and Vietnam-era veterans in their workforce by job category and hiring location and the total number of employees and the number of special disabled and Vietnam-era veterans hired during the reporting period. Implementing regulations are found at 41 CFR 61-250.

DESCRIPTION OF JOB CATEGORIES

Officials and managers.—Occupations requiring administrative and managerial personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of a firm's operation. Includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents and buyers, railroad conductors and yard masters, ship captains and mates (except fishing boats), farm operators and managers, and kindred workers.

Professional.—Occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Includes: accountants and auditors, airplane pilots and navigators, architects, artists, chemists, designers, dietitians, editors, engineers, lawyers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations specialists, physicians, social scientists, surveyors, teachers, and kindred workers.

Veterans' Employment and Training

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Technicians.—Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post high school education, such as is offered in many technical institutes and junior colleges, or through equivalent on-the-job training. Includes: computer programmers and operators, drafters, engineering aides, junior engineers, mathematical aides, licensed practical or vocational nurses, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic, physical science) and kindred workers.

Sales.—Occupations engaged wholly or primarily in direct selling. Includes: advertising agents and salesworkers, insurance agents and brokers, real estate agents and brokers, stock and bond salesworkers, demonstrators, salesworkers and sales clerks, grocery clerks and cashier-checkers, and kindred workers.

Office and clerical.—Includes all clerical-type work regardless of level of difficulty, where the activities are predominantly non-manual though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, cashiers, collectors (bills and accounts), messengers and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists and secretaries, telegraph and telephone operators, legal assistants, and kindred workers.

Craft Workers (skilled).—Manual workers of relatively high skill level having a thorough and comprehensive knowledge of the processes involved in their work. Exercise considerable independent judgment and usually receive an extensive period of training. Includes: the building trades, hourly paid supervisors and lead operators who are not members of management, mechanics, and repairers, skilled machining occupations, compositors and typesetters, electricians, engravers, job setters (metal), motion picture projectionists, pattern and model makers, stationary engineers, tailors and tailoresses, art occupations, handpainters, coaters, decorative and kindred workers.

Operatives (semiskilled).—Workers who operate machine or processing equipment or perform other factory-type duties of intermediate skill level which can be mastered in a few weeks and require only limited training. Includes apprentices (auto mechanics, plumbers, bricklayers, carpenters, electricians, machinists, mechanics, building trades, metal working trades, printing trades, etc.), operatives, attendants (auto service and parking), blasters, chauffeurs, delivery workers, dressmakers and sewers (except factory), dryers, furnace workers, heaters (metal), laundry and dry cleaning operatives, milliners, mine operators and laborers, motor operators, oilers and greasers (except auto), painters (except construction

and maintenance), photographic process workers, stationary firefighters, truck and tractor drivers, weavers (textile), welders and flamecutters, electrical and electronic equipment assemblers, butchers and meatcutters, inspectors, testers and graders, handpackers and packagers, and kindred workers.

Laborers (unskilled).—Workers in manual occupations which generally require no special training perform elementary duties that may be learned in a few days and require the application of little or no independent judgment. Includes: garage laborers, car washers and greasers, gardeners (except farm) and groundskeepers, stevedores, wood choppers, laborers performing lifting, digging, mixing, loading and pulling operations, and kindred workers.

Service workers.—Workers in both protective and non-protective service occupations. Includes: attendants (hospital and other institutions, professional and personal service, including nurses aides and orderlies), barbers, charworkers and cleaners, cooks (except household), counter and fountain workers, elevator operators, firefighters and fire protection, guards, doorkeepers, stewards, janitors, police officers and detectives, porters, waiters and waitresses, guides, ushers, public transportation attendants and kindred workers.

(b) Computer-generated forms are acceptable, provided that all required information and data is presented in the same format as the VETS-100 Form set forth above.

(c) OASVET or its designee will use all available information to distribute the required forms to contractors identified as subject to the requirements of this part.

(d) It is the responsibility of each contractor to obtain necessary supplies of the VETS-100 reporting form prior to the filing date. Contractors who do not receive forms should request them in time to meet the annual March 31 deadline. Requests should be addressed to:

OASVET (VETS-100)
U.S. Department of Labor
200 Constitution Avenue, NW.
Washington, DC 20210

[52 FR 6677, Mar. 4, 1987; 52 FR 13674, Apr. 24, 1987]

§ 61-250.12 Voluntary disclosure.

Each contractor subject to this part shall invite all special disabled veterans and veterans of the Vietnam era

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who wish to benefit under the affirmative action program at 38 U.S.C. 2012 to identify themselves to the contractor. The invitation shall state that the information is voluntarily provided, that the information will be kept confidential, that disclosure or refusal to provide the information will not subject the applicant or employee to any adverse treatment, and that the information will be used only in accordance with the regulations implementing 38 U.S.C. 2012. Nothing in this section shall preclude an employee from informing a contractor at a future time of his or her desire to benefit from this program. Nothing in this section shall

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relieve a contractor from liability for discrimination under 38 U.S.C. 2012.

§ 61-250.20 Monitoring of compliance.

During the course of its compliance reviews, OFCCP will determine if the contractor is submitting reports as required by this part.

§ 61-250.99 OMB control numbers.

Pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and implementing regulations at 5 CFR Part 1320, (1985) the Office of Management and Budget has assigned Control No. 1293-0005 to the information collection requirements of this part.